

# **EXHIBIT 9**

1

2 UNITED STATES DISTRICT COURT SOUTHERN  
3 DISTRICT OF NEW YORK

4 FRANKLIN BUONO,

5 PLAINTIFF,

6 -against-

7 Case No.:  
8 1:17-CV-05915-JFK

9 VICTORY AUTO STORE, INC., VICTORY AUTO  
10 STORES, INC. D/b/a POSEIDON AIR SYSTEMS,  
11 TYCO FIRE PRODUCTS LP, PAMELA L. SIMPERS,  
12 PAMELA L. SIMPERS d/b/a VICTORY AUTO  
13 STORES, BAUER COMP HOLDING GMBH, BAUER  
14 KOMPRESSOREN GMBH and BAUER COMPRESSORS,  
15 INC.,

16 DEFENDANTS.

17 TYCO FIRE PRODUCTS LP,

18 THIRD-PARTY PLAINTIFF,

19 -against-

20 O'PRANDY'S FIRE & SAFETY INC.,

21 THIRD-PARTY DEFENDANT.

22

23 DATE: September 12, 2019

24 TIME: 9:47 a.m.

25

26 (DEPOSITION of CURTIS N. HARDING.)

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2 DATE: September 12, 2019

3 TIME: 9:47 a.m.

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6 VIDEOTAPED VIDEOCONFERENCED

7 DEPOSITION of the Defendant/Third-Party

8 Plaintiff, TYCO FIRE PRODUCTS LP, by a

9 witness, CURTIS N. HARDING, taken by the

10 respective parties, held at the offices of

11 Bay Reporting Service, Inc., 414 South

12 Jefferson Street, Green Bay, Wisconsin

13 54301, before Carrie S. Bohrer, RPR, RMR,

14 CRR.

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2 A P P E A R A N C E S

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4 FINKELSTEIN & PARTNERS, LLP  
5 Attorneys for the Plaintiff  
6 1279 Route 300, P.O. Box 1111  
7 Newburgh, New York 12551  
8 BY: KENNETH FROMSON, ESQ.  
9 Kfromson@lawampm.com  
10 (Via videoconference)

11

12 SHOOK, HARDY & BACON L.L.P.  
13 Attorneys for the Defendant/  
14 Third-Party Plaintiff  
15 TYCO FIRE PRODUCTS LP  
16 2555 Grand Boulevard  
17 Kansas City, Missouri 64108  
18 BY: SARAH E. LYNN BALTZELL, ESQ.

19

20 HAWORTH, BARBER & GERSTMAN, LLC  
21 Attorneys for the Third-Party Defendant  
22 OPRANDY'S FIRE & SAFETY INC.  
23 45 Broadway, 21st Floor  
24 New York, New York 10006  
25 BY: TARA FAPPIANO, ESQ.  
Tara.fappiano@hbandglaw.com  
26 (Via videoconference)

27

28 ALSO PRESENT:

29 MARK DENESSEN, Videographer

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2                   **221. UNIFORM RULES FOR THE  
CONDUCT OF DEPOSITIONS**3                   **221.1 Objections at Depositions**

4                   **(a) Objections in general.** No  
5                   objections shall be made at a deposition  
6                   except those which, pursuant to subdivision  
7                   (b), (c) or (d) of Rule 3115 of the Civil  
8                   Practice Law and Rules, would be waived if  
9                   not interposed, and except in compliance  
10                  with subdivision (e) of such rule. All  
11                  objections made at a deposition shall be  
12                  noted by the officer before whom the  
13                  deposition is taken, and the answer shall be  
14                  given and the deposition shall proceed  
15                  subject to the objections and to the right  
16                  of a person to apply for appropriate relief  
17                  pursuant to Article 31 of the CPLR.

18                  **(b) Speaking objections restricted.**  
19                  Every objection raised during a deposition  
20                  shall be stated succinctly and framed so as  
21                  not to suggest an answer to the deponent  
22                  and, at the request of the questioning  
23                  attorney, shall include a clear statement as  
24                  to any defect in form or other basis of  
25                  error or irregularity. Except to the  
                        extent permitted by CPLR Rule 3115 or by  
                        this rule, during the course of the  
                        examination persons in attendance shall not  
                        make statements or comments that interfere  
                        with the questioning.

26                  **221.2 Refusal to answer when objection is  
made** A deponent shall answer all questions  
27                  at a deposition, except (i) to preserve a  
28                  privilege or right of confidentiality, (ii)  
29                  to enforce a limitation set forth in an  
30                  order of the court, or (iii) when the  
31                  question is plainly improper and would, if  
32                  answered, cause significant prejudice to any  
33                  person. An attorney shall not direct a  
34                  deponent not to answer except as provided in  
35                  CPLR Rule 3115 or this subdivision. Any  
36                  refusal to answer or direction not to answer  
37                  shall be accompanied by a succinct and clear  
38                  statement of the basis therefor. If the  
39                  deponent does not answer a question, the  
40                  examining party shall have the right to  
41                  complete the remainder of the deposition.

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**221. UNIFORM RULES FOR THE  
CONDUCT OF DEPOSITIONS**

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**221.3 Communication with the deponent**

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An attorney shall not interrupt the deposition for the purpose of communicating with the deponent unless all parties consent or the communication is made for the purpose of determining whether the question should not be answered on the grounds set forth in section 221.2 of these rules and, in such event, the reason for the communication shall be stated for the record succinctly and clearly.

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IT IS FURTHER STIPULATED AND AGREED that the transcript may be signed before any Notary Public with the same force and effect as if signed before a clerk or a Judge of the court.

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IT IS FURTHER STIPULATED AND AGREED that the examination before trial may be utilized for all purposes as provided by the CPLR.

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IT IS FURTHER STIPULATED AND AGREED that all rights provided to all parties by the CPLR cannot be deemed waived and the appropriate sections of the CPLR shall be controlling with respect hereto.

IT IS FURTHER STIPULATED AND AGREED by and between the attorneys for the respective parties hereto that a copy of this examination shall be furnished, without charge, to the attorneys representing the witness testifying herein.

1 C. HARDING

2 THE VIDEOGRAPHER: We're on the  
3 record with the start of Media Unit  
4 Number 1 in the deposition of Curt  
5 Harding for Case Number  
6 1:17-CV-05915-JFK, United States  
7 District Court, Southern District of  
8 New York. We're at Bay Reporting  
9 Service, Green Bay, Wisconsin. It's  
10 September 12th, 2019. The time is  
11 approximately 9:47 a.m.

12 The court reporter will now  
13 swear in the witness and then we'll  
14 begin.

15 C U R T I S N. H A R D I N G, called as  
16 a witness herein, having been first duly  
17 sworn/affirmed, was examined and testified  
18 as follows:

19 EXAMINATION BY

20 MR. FROMSON:

21 Q. Good morning, Mr. Harding. How  
22 are you, sir?

23 A. Good. Thank you.

24 Q. My name is Ken Fromson. I  
25 represent Franklin Buono related to an

C. HARDING

event that took place back on February 12th of 2016 and which involved a fire suppression system tank that exploded. So I understand you're here to give some testimony today of -- about the tank, its instruction manuals, some general topics. I would ask that you keep your answers verbal so that our court reporter can obviously more easily take down what you say as opposed to a shrug of the shoulders or nod of the head. Let me finish my question before you answer it so that we're not talking over each other. If you don't understand a question, you just let me know; I will accommodate you and try to rephrase it in a way that we can all understand each other. Fair enough?

19 A. Fair enough.

Q. All right. So for the record,  
can you state your full name?

22 A. Curtis Harding.

23 Q. And what's your residential  
24 address?

25 A. N2387 Rivers Edge Drive,

1 C. HARDING

2 Marinette, Wisconsin.

3 Q. And what is your age?

4 A. 46.

5 Q. And what do you do for a  
6 living?

7 A. Technical support.

8 Q. And for whom do you work?

9 A. Pardon me?

10 Q. For whom do you work? Who is  
11 your boss?

12 A. Corey Polzin.

13 Q. And for what company do you  
14 work?

15 A. Johnson Controls.

16 Q. What's your general  
17 understanding of the relationship between  
18 Johnson Controls and Tyco Fire Products,  
19 the defendant in the case?

20 A. Johnson Controls had purchased  
21 Tyco.

22 Q. And what do you do in the  
23 context of technical support?

24 A. I support the pre-engineered  
25 products that we manufacture.

1 C. HARDING

2 Q. And what kind of products  
3 generally do you manufacture so that you're  
4 providing the support?

5 A. Dry chemical products and wet  
6 chemical products.

7 Q. Are these generally in the  
8 context of fire suppression systems?

9 A. Yes.

10 Q. What's your general  
11 understanding as to why you're here today?

12 A. I'm here because I was deposed  
13 for a case in which somebody was injured.

14 Q. To prepare for certain subject  
15 matter topics related to the fire  
16 suppression tank involving Mr. Buono's  
17 event, did you take any steps or action to  
18 review documents and prepare?

19 A. Yes, I did.

20 Q. And generally speaking what did  
21 you review? I'm not asking you for a line  
22 listing, but give us a general education as  
23 to what you did and what you reviewed.

24 A. There were drawings, manuals.  
25 That's pretty much it.

1 C. HARDING

2 Q. And in terms of the drawings  
3 and manuals, do these date back or come  
4 from the Pyro-Chem fire suppression system  
5 and the subject test tank that was involved  
6 in the event in February 2016?

7 A. What I saw was part of the fire  
8 suppression system. I believe there was  
9 some for the test tank as well.

10 Q. What I want to do, want to make  
11 sure we're both talking about the same tank  
12 involved in Mr. Buono's event, so I want to  
13 learn from you what you believe is the  
14 identified product that was involved in his  
15 injury. What's your understanding?

16 A. Of what tank it was?

17 Q. Yes, sir.

18 A. My understanding is it was a  
19 PCL-240.

20 Q. And in terms of the acronym or  
21 abbreviation "PCL," just educate us, what  
22 does that stand for?

23 A. I'm not 100 percent, but I  
24 believe it stands for Pyro-Chem liquid.

25 2.4 --

1 C. HARDING

2 Q. 240, what -- what -- I'm so  
3 sorry. What I should have said before we  
4 started is although we have fantastic  
5 technology here today, we can't speak over  
6 each other, and so I didn't hear the last  
7 part of your answer. Can you repeat it?

8 A. 2.4 gallons.

9 Q. And when we reference 2.4  
10 gallons, what was the intended material or  
11 agent to be placed in a test tank such as a  
12 PCL 240T?

13 A. That is the wet chemical agent.

14 Q. Once again, I'm so sorry. We  
15 could not hear your answer. Can you repeat  
16 it?

17 A. Wet chemical agent.

18 Q. So in terms of your  
19 understanding, was an intended use of a 240  
20 test tank, at least back in 2016, to  
21 include charging the tank with a wet  
22 chemical agent, in other words putting a  
23 wet chemical agent in that tank?

24 A. No.

25 Q. So what was the intended use in

1 C. HARDING

2 terms of what was to go inside a 240 test  
3 tank as of 2016, considering it had a  
4 capacity of 2.4 gallons?

5 A. So we are talking 2016. A test  
6 tank was used to satisfy authority's  
7 requirements.

8 Q. Requirements for what?

9 A. For testing the system. The  
10 piping integrity.

11 Q. And so what I'm trying to find  
12 out is what was to be inside the 2.4  
13 gallons so as to achieve the purpose of  
14 testing the integrity of an overall fire  
15 suppression system?

16 A. The authorities could use  
17 compressed dry air or nitrogen.

18 Q. Are you familiar currently with  
19 the term or use of the word "balloon  
20 testing" in terms of satisfying those  
21 requirements to test a suppression system?

22 A. I am.

23 Q. And could you just educate us  
24 on what your understanding of the term  
25 "balloon testing" is in that context? I

1 C. HARDING

2 want to make sure we're on the same page  
3 when we use that word or words.

4 A. Okay. Balloon testing is a  
5 term that comes from the authorities having  
6 jurisdiction. That is their way to test  
7 the piping of a fire suppression system.

8 Q. And so from a practical  
9 standpoint, I'm trying to envision how an  
10 individual takes a test tank, such as a  
11 2.4-gallon test tank, to a restaurant,  
12 let's say, and balloon tests that  
13 restaurant's Kitchen Knight fire  
14 suppression system. Using that as a  
15 complete hypothetical, can you explain to  
16 us what's generally done in terms of the  
17 manner in which the test tank is used  
18 either with air or nitrogen?

19 A. Being that's a AHJ requirement,  
20 there are many ways that they can do that.  
21 But generally speaking, they are using a  
22 test tank to push the compressed dry air or  
23 nitrogen through the system piping, and  
24 then the balloons would be on the end of  
25 the nozzles.

1 C. HARDING

2 Q. Now, I want to focus your  
3 attention much further back in hindsight,  
4 way earlier than 2016, to your knowledge of  
5 the -- the 240 test tank coming out of its  
6 manufacture and assembly back in 1998. Are  
7 you with me?

8 A. I am.

9 Q. As of the time this test tank,  
10 the one that was utilized ultimately by Mr.  
11 Buono and his co-employee, as of the time  
12 this product was manufactured and assembled  
13 and left the doors of Pyro-Chem, was one of  
14 the intended uses to be balloon tested?

15 A. I would make the assumption  
16 that it was at that time, yes.

17 Q. So part of my deposition  
18 questions down the line are going to be  
19 about the -- the way in which Pyro-Chem and  
20 Tyco informed individuals on the proper use  
21 for that intended use. Are you with me?

22 A. I am.

23 Q. All right. But first let me  
24 get to know you a little bit. So you told  
25 me where you live, you told me your age,

1                           C. HARDING  
2       and you told me who you work for, Johnson  
3       Control. Let me learn a little more. So  
4       for how long have you been employed in  
5       technical support by Johnson Control?

6                           A.     16 years.

7                           Q.     And what's your educational  
8       background?

9                           A.     Associate degree in fire  
10      protection.

11                          Q.     And from what school did you  
12      get that associate's degree in fire  
13      protection?

14                          A.     Northeast Wisconsin Technical  
15      College.

16                          Q.     Do you have any other vocation  
17      outside of your position in technical  
18      support with Johnson Control? Any other  
19      job?

20                          A.     No.

21                          Q.     Do you volunteer as a first  
22      responder in the context of firefighting?

23                          A.     I do not.

24                          Q.     Have you ever?

25                          A.     No.

1 C. HARDING

2 Q. Have you ever utilized a  
3 Pyro-Chem 240 agent tank, ever?

4 A. Never.

5 Q. Have you ever utilized a  
6 Pyro-Chem 240 test tank, ever?

7 A. Never.

8 Q. Same question. Have you ever  
9 utilized a Pyro-Chem 300 tank, ever?

10 A. I have not.

11 Q. Have you ever utilized a  
12 Pyro-Chem 300 test tank, ever?

13 A. No.

14 Q. Have you ever been trained on  
15 the use of such tanks?

16 A. The training I have received is  
17 on the fire suppression tank, not a test  
18 tank.

19 Q. When you referenced that the  
20 training you have received has been on a  
21 fire suppression tank, can you clarify what  
22 type of tank you're talking about?

23 A. Sure. There are several tanks  
24 in a fire suppression system, and they are  
25 full of liquid agent that are used for the

1 C. HARDING

2 purpose of suppressing a fire. It is a  
3 component of the fire suppression system.

4 Q. Some of my questions might  
5 seem, for lack of a better term, common  
6 sense, or some might say stupid. So I  
7 apologize if they appear that way --

8 A. Not at all.

9 Q. -- but I need to have a clear  
10 record. So when you use the term  
11 "component," what do you mean?

12 A. What I meant is there are  
13 several components of a fire suppression  
14 system, with a PCL-240 being one of them.

15 Q. As part of your review of  
16 documents in this case, did you come across  
17 and review the Kitchen Knight restaurant  
18 fire suppression system technical manuals?

19 A. Yes.

20 Q. And did you review the manuals,  
21 the technical manuals, for both a PCL-240  
22 as well as a PCL-300?

23 A. Yes.

24 Q. Are the -- withdrawn. Are  
25 there any distinctions or differences in

1                                 C. HARDING  
2         the components, design, installation,  
3         maintenance, or recharge, other than the  
4         sizes being different?

5                                 A. Yes. There are different  
6         nozzles, the valves are different, there's  
7         slight differences in the components.

8                                 Q. Other than those distinctions,  
9         is there any comparison to the way, the  
10         method, in which a 240 as opposed to a 300  
11         is recharged, or are the safety issues the  
12         same?

13                               A. They are recharged. I would  
14         say very similar. There are some  
15         differences but nothing -- nothing major.

16                               Q. Can you reference your  
17         attention to a -- to a technical manual  
18         that's there at your deposition but for the  
19         300 size.

20                               A. Sure.

21                               Q. And when you have it, I'll --  
22         I'll ask you some questions about the  
23         components.

24                               A. Okay.

25                               Q. Let me pull out my version as

1                           C. HARDING  
2     well. So I -- I appreciate -- give me one  
3     moment. I have many different copies of  
4     it, so let me find the one -- yeah. Let's  
5     see. I'm looking at -- bear with me. I  
6     appreciate -- hold on a minute.

7                           A.        Okay.

8                           MR. FROMSON: You're saying 61?  
9                           Because I have one on 60.

10                          MS. FAPPIANO: I have it at 61.

11                          MR. FROMSON: Yeah. Okay.

12                          Q.        So I have a technical manual in  
13     front of me. On the bottom right corner,  
14     the last numbers are -- begin with 61.  
15     What do you have in front of you?

16                          A.        The same thing.

17                          Q.        So if you could reference your  
18     attention -- well, let me ask you this.  
19     That particular technical manual, it's  
20     dated October 1st, 2001. Do you know who  
21     or what entity produced, in other words  
22     wrote, drafted, and put out into the  
23     marketplace, this technical manual?

24                          A.        In 2001 that would have been  
25     Tyco.

1 C. HARDING

2 Q. Do you know if there exists a  
3 version back from 1998 that would have went  
4 out the proverbial door with the product as  
5 it was put into the marketplace?

6 A. Could you repeat that?

7 Q. Sure. Let me ask it a  
8 different way. To the best of your  
9 knowledge, is the language in this  
10 technical manual the same as the language  
11 that would have existed when the product  
12 first went into the marketplace back in  
13 approximately 1998?

14 A. That would be a completely  
15 different manual. This is the first  
16 version of the Kitchen Knight II manual.

17 Q. So Bates Number 61 -- or I  
18 should say document beginning with Number  
19 61 was the first manual for a Pyro-Chem 300  
20 fire suppression system?

21 A. Correct.

22 Q. Would this have been the manual  
23 that was in place as of 2016?

24 A. I think there were revisions  
25 since then to this manual.

1 C. HARDING

2 Q. Okay. Have you seen a more  
3 recent technical manual than this one dated  
4 October 1st, 2001 as it pertains to a -- a  
5 300?

6 A. Yes.

7 MR. FROMSON: Let me go off the  
8 record for a few minutes. All right?

9 THE VIDEOGRAPHER: We're off  
10 the record. The time is 10:06 a.m.

11 (Discussion off the record.)

12 THE VIDEOGRAPHER: We're back  
13 on the record. The time is 10:12  
14 a.m.

15 Q. Can you put in front of you the  
16 technical manual for a Kitchen Knight  
17 Restaurant Fire Suppression System that  
18 encompasses the 240, and that would be  
19 starting with a Document Number 1. Let me  
20 know when you have that in front of you.

21 A. I have that.

22 Q. All right. Now, as part of the  
23 overall fire suppression system, is a test  
24 tank part of the system or not?

25 A. It is not.

1 C. HARDING

2 Q. I understand the use -- or the  
3 intended use of the test tank was what you  
4 already explained. How does someone who  
5 buys a fire suppression system get  
6 information as to the existence of a test  
7 tank to test the fire suppression system?

8 A. For a PCL-240, --

9 Q. Yes.

10 A. -- I believe that was on the  
11 price list.

12 Q. Is there anything in the  
13 maintenance section of the technical manual  
14 that informs a consumer about the use of a  
15 test tank to test the integrity of the  
16 piping as you described?

17 A. There is not.

18 Q. Are you familiar with the  
19 training to be done by individuals who are  
20 to install the Kitchen Knight fire  
21 suppression system?

22 A. Yes.

23 Q. And are you familiar with the  
24 certification training classes offered?

25 A. I am.

1 C. HARDING

2 Q. Can you -- are you prepared to  
3 tell me about the history of those in terms  
4 of when the defendant began providing  
5 certified training classes? By example, I  
6 don't know if they were giving any since  
7 2001 or earlier or later. Do you know?

8 A. I do not know.

9 Q. I'm going to ask you just a --  
10 some questions limited to the training  
11 classes. So bear with me for a moment.

12 A. Okay.

13 Q. At least that gives you the  
14 context. Do you know why Tyco Fire  
15 Products was indicating in the technical  
16 manual the necessity to have factory  
17 certification training and become  
18 certified?

19 A. Yes. It's part of being an  
20 authorized distributor. They need to  
21 receive training.

22 Q. And I understand that's part of  
23 becoming an authorized distributor. Why  
24 was it important to receive training?

25 A. I'm sorry, was that a question?

1 C. HARDING

2 Q. Yes. Can you have the reporter  
3 read it back, please?

4 (Requested portion of record  
5 read.)

6 A. Training's important for the  
7 fire suppression system regarding design,  
8 installation, and maintenance of it.

9 Q. When we reference the term  
10 "maintenance," what would maintenance  
11 include? Does it include testing the  
12 integrity of the piping?

13 A. Every six months there is  
14 maintenance required, and I don't believe  
15 it's in the manual as far as integrity  
16 testing.

17 Q. Was integrity testing an  
18 important part of maintenance to ensure the  
19 integrity of the piping?

20 A. That is required per the  
21 authority. So I don't think --

22 Q. When you say "the authority,"  
23 do you mean the municipality, like the  
24 local fire code, the things of that nature?

25 A. It's an individual, the

1 C. HARDING  
2 authority having jurisdiction, whoever that  
3 may be.

4           Q.     All right. So let me ask you a  
5 general question. Are there any pre  
6 requirements in order for someone to attend  
7 the training?

8                   A.       They have to be --

9 Q. Let me actually -- let me  
10 rephrase that. My questions are before  
11 2016. Okay? Because my client's incident  
12 happened in 2016. So reference that time  
13 frame in your mind, before then. All  
14 right? What if any requirements were  
15 there, what prerequisites were there, for  
16 someone to attend the defendant's certified  
17 training class?

18                   A.       The only prerequisite that I  
19        would know is they would have to be an  
20        authorized distributor. So there would be  
21        a contractual agreement before training.

Q. What types of training materials or workbooks or presentations were utilized for the training?

25 A. What they would receive is a --

1                           C. HARDING  
2     a manual such as the one that we're looking  
3     at now. And that's -- that's the  
4     information they receive for training.

5                           Q.     So in other words, the manual  
6     itself would be the totality of the  
7     materials provided for the training?

8                           A.     It would be a large percentage  
9     of it. There may be some data spec sheets  
10    in there or cut sheets on products. But  
11    the majority of the training material is  
12    the manual.

13                          Q.     As far as the -- the topics or  
14    subject matter from within such training,  
15    what information related to dangers from  
16    unintended uses were provided?

17                          MS. BALTZELL: And let me just  
18        object real quickly to make sure  
19        we're all on the same page. What  
20        time period are you talking about for  
21        training and on what product are you  
22        talking about for training of a --  
23        training of what?

24                          MR. FROMSON: Well, that's  
25        fair. Let me rephrase.

1 C. HARDING

2 Q. As far as the factory  
3 certification training classes were  
4 concerned, did any of those factory  
5 certification training classes encompass  
6 the subject matter of utilizing a test  
7 tank?

8 A. No.

9 Q. Did the defendant offer any  
10 type of other factory certification  
11 training classes in the context of test  
12 tanks separate and apart from the fire  
13 suppression system classes that we're  
14 discussing?

15 A. Did I re -- did I give any  
16 additional training? Is that what you're  
17 asking?

18 Q. Not you, sir.

19 A. Oh.

20 Q. But generally the -- were there  
21 any such factory certification training  
22 classes provided by the defendant, before  
23 2016, were they available, but in the  
24 context of use of the test tank?

25 A. I am not aware of any.

1 C. HARDING

2 Q. And I appreciate that you might  
3 not be aware of any. Are you the person  
4 that would know if there had been? Or is  
5 it someone else's job to know that?

6 A. No. We looked back and there  
7 was never any training on test tanks.

8 Q. In your industry, when you  
9 utilize the term recharge of a tank, can  
10 you just tell us what that means?

11 A. Referring to the fire  
12 suppression system, recharge of a tank is  
13 when you refill it with agent, wet chemical  
14 agent, and nitrogen.

15 Q. Have you ever heard in your  
16 industry people discuss recharging of a  
17 tank to include recharging it with air,  
18 compressed air, or nitrogen?

19 A. Typically I don't get into  
20 those discussions. I don't hear much about  
21 that. Because it doesn't relate to the  
22 fire suppression side of it.

23 Q. When you say typically that you  
24 don't hear about it because it doesn't  
25 relate to the fire suppression system side

1 C. HARDING

2 of it, then in what context do you hear  
3 about it, even though it might be uncommon?

4 A. Well, I know it's done. But  
5 it's not something that I support,  
6 technically support.

7 Q. In terms of your understanding  
8 that you know it's done, but don't support,  
9 what is your understanding of the context  
10 in which it has been done? In other words,  
11 what has been the intended uses that you  
12 knew about but might not have supported?

13 A. Well, I know it's done because  
14 we sell the test tank per a -- an  
15 authority's request. So how they do that  
16 is -- is not something that I discuss with  
17 them. That would be on the authority's  
18 side.

19 Q. And as far as the test tanks,  
20 such as the test tank that was involved in  
21 Mr. Buono's event, that was a test tank  
22 that was put out into the market by the  
23 defendant; yes?

24 A. Yes.

25 Q. And in terms of it being placed

1                           C. HARDING  
2     out into the market, the test tank, did it  
3     include any instruction manual when it  
4     essentially left the proverbial door of the  
5     defendant's possession, custody, or  
6     control?

7                           A.     I would have to say no. That  
8     goes back quite a ways to the late '90s.

9                           Q.     Why do you believe no in part  
10    because of the time frame?

11                          A.     I say no because it's not  
12    something we do today.

13                          Q.     For what purpose today is a  
14    test tank sold? In other words, what's the  
15    intended use that the test tanks are sold  
16    today?

17                          A.     I believe the intended purpose  
18    of a test tank today is for the puff test  
19    which we talked about earlier.

20                          Q.     Did you say puff test?

21                          A.     Yes.

22                          Q.     Synonymous with balloon  
23    testing?

24                          A.     Yes.

25                          Q.     Yes?

1 C. HARDING

2 A. Yes.

3 Q. And so before 2016, did the  
4 defendant have an understanding as to that  
5 being a use of test tanks, in other words  
6 puff tests or balloon tests?

7 A. Yes.

8 Q. And did the defendant have an  
9 understanding before 2016 that the use of a  
10 test tank such as the one Mr. Buono was  
11 involved with for purposes of balloon  
12 testing or puff testing was being done by  
13 test tanks placed into the market by  
14 Defendant?

15 A. Yes.

16 Q. And before 2016 but after 1998,  
17 did Defendant ever send out a manual to  
18 accompany the test tanks as they were sold  
19 into the marketplace? I understand it  
20 might not -- I'm not -- let me withdraw  
21 that completely.

22 Putting aside the test tank in  
23 this case that went out the door in 1998,  
24 did there ever come a time that manuals  
25 accompanied the test tanks but before 2016?

1 C. HARDING

2 A. I don't believe so. I have  
3 never seen a manual on a test tank, and we  
4 went back and looked and never saw any  
5 information on manuals for test tanks.

6 Q. The test tank in this case, in  
7 which Mr. Buono was involved with, is it  
8 your understanding that it had a PSA marked  
9 -- psi marking of 225?

10 A. I believe there was a DOT stamp  
11 on it of 225.

12 Q. And in terms of your  
13 understanding, what does that 225 psi mean  
14 to a consumer?

15 A. It's a DOT stamping, and I'm  
16 not completely up to speed on DOT  
17 stampings, but the 225 does signify the  
18 pressure.

19 Q. Did the Defendant -- and when I  
20 say "the Defendant," I understand you're  
21 here on behalf of the Defendant.

22 Did the Defendant have an  
23 understanding as to the inherent dangers of  
24 putting compressed air into a test tank?

25 MS. BALTZELL: Object to form

1 C. HARDING

2 and foundation. Go ahead.

3 Q. I'll ask it in a different way

4 because there's an objection as to form.

5 Are you aware of the -- of the  
6 inherent danger of refilling a tank such as  
7 a 2.4-gallon tank with compressed air?

8 MS. BALTZELL: Objection. Form  
9 and foundation.

10 A. Yes.

11 Q. Let me move the volume for a  
12 second. Would you repeat your answer for  
13 us? Because we didn't hear you.

14 A. I said yes.

15 Q. Thank you. And generally  
16 speaking, what is your understanding of the  
17 inherent dangers of refilling a tank with  
18 compressed air?

19 A. Well, it's just compressed air,  
20 so if you -- if there's too much pressure,  
21 that would be the danger in itself.

22 Q. And so are the dangers of  
23 compressed air -- and particular -- such as  
24 overpressurization, are those dangers any  
25 different today than they were in 2016 --

1 C. HARDING  
2 than they were in 1998, or is it  
3 essentially conceptually the same inherent  
4 danger?

5 MS. BALTZELL: Object to the  
6 form and also object as we're off  
7 topic. I don't think inherent  
8 dangers of a test tank is one of the  
9 topics.

10 MS. FAPPIANO: Can you --  
11 MR. FROMSON: Yeah, we're  
12 having volume issues here. Give us a  
13 minute to see if we can fix it.  
14 Okay? And we'll go off the record.

15 THE VIDEOGRAPHER: We're off  
16 the record. The time is 10:29 a.m.  
17 (Discussion off the record.)

18 (Requested portion of record  
19 read.)

20 THE VIDEOGRAPHER: We are back  
21 on the record. The time is 10:31  
22 a.m.

23 MR. FROMSON: All right. So  
24 I'll withdraw the last question.

25 Q. Overpressurization can lead to

1 C. HARDING

2 the tank exploding. Yes?

3 MS. BALTZELL: Object as  
4 outside the scope of the deposition  
5 topics. And its foundation.

6 MR. FROMSON: Well, I'm not --

7 MS. BALTZELL: What topic are  
8 you on?

9 MR. FROMSON: Well, I'll tell  
10 you, I'll pull -- I'm sure it's  
11 within the technical manual not to  
12 overpressurize a tank. I didn't  
13 think I was asking something so off  
14 base. However, give me a moment and  
15 I'll find the topic that pertains to  
16 it.

17 So he's here to talk about the  
18 technical manual, right, which  
19 includes design, installation,  
20 maintenance, and use, is he not?

21 MS. BALTZELL: He is, but I do  
22 believe he's testified that there is  
23 not a technical manual that's  
24 applicable to our product, our test  
25 tank.

1 C. HARDING

2 MR. FROMSON: Right, and I'm  
3 not asking about a test tank. My  
4 question didn't say test tank. It  
5 was really just is there an inherent  
6 danger with overpressurizing a tank,  
7 and that just -- I think that's  
8 common sense. I don't think I'm  
9 going far afield.

10 MS. BALTZELL: And I'll --  
11 yeah, I'll --

12 MR. FROMSON: I'll ask the  
13 question again and you can have your  
14 objection as to form.

15 MS. BALTZELL: Yeah, that  
16 works.

17 MR. FROMSON: Okay?

18 MS. BALTZELL: That works.

19 MR. FROMSON: All right.

20 Q. So do you have an understanding  
21 that overpressurization of a tank, such as  
22 a tank utilized in a fire suppression  
23 system, can lead to the tank exploding?

24 MS. BALTZELL: And object to  
25 the form of the question as well as

1 C. HARDING

2 outside the scope of the topics for  
3 this deponent for this deposition.

4 Q. You can answer.

5 A. Okay. I would have to assume  
6 that it would be dangerous if you  
7 overpressurize a tank, yes.

8 Q. Does overpressurization include  
9 or exclude a test tank versus an agent  
10 tank, or is it still the same inherent  
11 danger if you overpressurize tanks?

12 A. I would say it's the same  
13 inherent danger.

14 Q. Do you have an understanding as  
15 to why there's been and was no manual that  
16 accompanied test tanks --

17 A. I do not.

18 Q. -- such as the test tank --  
19 sorry -- such as the test tank involving  
20 Mr. Buono?

21 A. I do not.

22 Q. Do you have any -- do you have  
23 an understanding as to whether that subject  
24 matter has ever been discussed by the  
25 defendant in terms of the decision-making

1 C. HARDING

2 process of whether to have a manual for a  
3 test tank?

4 A. I do not.

5 Q. Have you made any search for  
6 any such records related to whether there  
7 are manuals for the test tank?

8 A. Yes.

9 Q. And did your search come up  
10 with nothing?

11 A. That is correct. Nothing.

12 Q. And just to -- and just to make  
13 sure I understand the diligence that you  
14 utilized, what did you do?

15 A. We reached out internally to  
16 groups within the company.

17 Q. In terms of the technical  
18 manual for a fire suppression system that  
19 would include a 300, do you have an  
20 understanding that test tanks are listed as  
21 the components within that technical  
22 manual?

23 A. Yes.

24 Q. Do you have an understanding as  
25 to why they're included as components in

1 C. HARDING

2 that technical manual?

3 A. I do not.

4 Q. Was that a subject matter that  
5 you inquired about to prepare for this  
6 deposition?

7 A. I did not inquire regarding why  
8 the 300 is in that technical manual.

9 Q. In any event, as part of your  
10 preparation for this deposition, did you  
11 come across any information or documents  
12 that would explain why it's included in the  
13 manual for the 300 size?

14 A. I did not.

15 Q. And now, you're aware also that  
16 the manual for the 240 is in a different --  
17 is a different manual altogether, correct?

18 A. That is correct.

19 Q. And you -- do you have an  
20 understanding that the component list  
21 within the technical manual for the 240, it  
22 does not include a reference to the test  
23 tank, correct?

24 A. That is correct.

25 Q. Do you know why?

1 C. HARDING

2 A. I do not.

3 Q. Did you make any inquiry as to  
4 find out why?

5 A. I did discuss internally, and I  
6 did not receive any response as to why  
7 that's in there.

8 Q. Did you come across any  
9 documents that provided an answer to the  
10 question?

11 A. I did not.

12 Q. Are you aware that the test  
13 tank does appear on a sales list that's  
14 been provided in the case?

15 A. Yes, I am.

16 Q. Or I should say a price list.  
17 Have you seen the price list that includes  
18 the test tank?

19 A. Yes.

20 Q. It references the test tank as  
21 a component of the Kitchen Knight  
22 suppression system, correct?

23 A. Correct.

24 Q. Do you have an understanding as  
25 to whether the defendant put forward any

1 C. HARDING  
2 documentation, and when I say documentation  
3 I mean instructions or warnings or  
4 information or pamphlets, to consumers of  
5 test tanks before 2016 that indicated what  
6 the defendant believed the intended uses  
7 were for such test tanks? And when I say  
8 test tanks, I'm talking about the type of  
9 test tank utilized by Mr. Buono.

10                   A.     So you're asking why there was  
11     not information put out for that test tank?  
12     Is that correct?

13                   Q.     That's a separate question, but  
14     you can answer that --

15 A. Okay.

16 Q. -- as well if you want.

17                   A.        Yeah, I don't know why  
18 information was not put out regarding the  
19 test tank.

20 Q. And just in terms of clarity,  
21 because your question -- your answer was  
22 that you don't know why information was not  
23 provided about the test tank, do you know  
24 why Defendant didn't provide documentation  
25 that referenced what the intended use was

1 C. HARDING

2 of the test tank?

3 A. I do not.

4 MR. FROMSON: Curtis, I want to  
5 thank you -- let me take another few  
6 minutes. I might be done. I just  
7 want to look over my list. Okay?

8 THE WITNESS: Sounds good.

9 MR. FROMSON: Before I pass the  
10 witness, let me just take five  
11 minutes. All right, Sarah?

12 MS. BALTZELL: Sure, that  
13 sounds good.

14 THE VIDEOGRAPHER: We're off  
15 the record. The time is 10:40 a.m.

16 (Recess held.)

17 THE VIDEOGRAPHER: We're back  
18 on the record. The time is 10:43  
19 a.m.

20 Q. So, Mr. Harding, I want to make  
21 sure I'm -- I understand something  
22 conceptually here. I have, as provided to  
23 us in this case, the technical manuals for  
24 the Pyro-Chem restaurant kitchen fire  
25 suppression systems, including those that

1                           C. HARDING  
2     encompass the 240 size and the 300 size,  
3     and you as well have seen those documents  
4     in preparation for the deposition, correct?

5                           A.     Correct.

6                           Q.     And it's your understanding  
7     that those technical manuals do not  
8     encompass use or maintenance or  
9     instructions pertaining to test tanks such  
10    as a 240 test tank or a 300 test tank,  
11    correct?

12                          A.     That is correct.

13                          Q.     And so how does the defendant  
14    expect a consumer, before 2016, to know how  
15    to maintain, use, and refill a test tank  
16    such as the one that was used by Mr. Buono?

17                          MS. BALTZELL: Object to the  
18                          foundation.

19                          A.     The test tanks are similar to  
20    the fire suppression tank; it's just that  
21    they are shipped empty. There's no liquid  
22    agent inside it. So the concept would be  
23    the same.

24                          Q.     To the best of your knowledge,  
25    did the defendant ever attempt, before

1 C. HARDING  
2 2016, in the context of instruction manuals  
3 or any type of documentation, inform  
4 consumers of test tanks of what you just  
5 told us?

6 A. No.

10 THE WITNESS: Thank you.

## 11 EXAMINATION BY

12 MS. FAPPIANO:

13 Q. Picking up on that very  
14 quickly, and for the sake of completeness,  
15 in our document production from the  
16 defendants throughout this case, you've  
17 actually received three separate manuals --

18 MS. FAPPIANO: And I'll give  
19 you the Bates numbers if you need  
20 them, Sarah.

21 Q. -- which pertain to the PCL-240  
22 system. Have you seen that there's three  
23 different versions of them in your  
24 preparation for this deposition?

25 MS. BALTZELL: What are your

1 C. HARDING

2 Bates numbers so we can get them out?

3 MS. FAPPIANO: Sure. I'm happy  
4 to do that. So -- and they're very  
5 small, so bear with me. 1448, --

6 MS. BALTZELL: Okay. Hang on.

7 MS. FAPPIANO: -- and that is  
8 technical manual for Kitchen Knight  
9 Restaurant Fire Suppression System  
10 PCL-240, and it's got a date on the  
11 second page --

12 MS. BALTZELL: Are you talking  
13 --

14 MS. FAPPIANO: -- of December  
15 15, 1999.

16 MS. BALTZELL: Are you talking  
17 about the ones that are encompassed  
18 in the UL listing?

19 MS. FAPPIANO: I don't know.  
20 I'm asking -- there's three different  
21 versions here that have been  
22 produced, and I'm going to be asking  
23 the witness why and if there's a  
24 distinction. So --

25 MS. BALTZELL: And I can speak

1                                 C. HARDING  
2                                 to the why they were produced. I  
3                                 don't -- the -- why they were  
4                                 produced is because we provided you  
5                                 the UL listings, and so the UL  
6                                 listing starts on Page -- let me get  
7                                 this right. And you'll see it has  
8                                 ULEX on the bottom of most of the  
9                                 numbers. Let me find it. It starts  
10                                at Page 1445. Everything from there  
11                                to the end is the UL listing. So as  
12                                to the why, if there are manuals that  
13                                happen to be in the UL listing, you  
14                                received them by virtue of them just  
15                                being in the UL listing, not because  
16                                it was a responsive manual to a  
17                                particular request. Does that help?

18                                MS. FAPPIANO: Okay.

19                                Q. So my -- my question is -- and  
20                                this is all I want to know. This  
21                                particular manual, however it was produced,  
22                                or for whatever reason it was maintained,  
23                                was this a manual that was put into  
24                                marketplace?

25                                A. Yes.

1 C. HARDING

2 Q. Okay. And this manual does not  
3 contain any information about the use or  
4 the maintenance of the test tank that we've  
5 been talking about; am I correct?

6 MS. BALTZELL: If you want to  
7 look at it.

8 Q. This version?

9 A. You are correct.

10 Q. Okay. Thank you. There's a  
11 second version, which I have here.

12 I'm doing this chronologically.  
13 Maybe not, actually. It's at Bates 1557 of  
14 -- which appears to have some differences  
15 from the one that we just referenced. My  
16 -- it's the same question I have. Was this  
17 a manual that was put into the marketplace  
18 that starts at Page 1557?

19 A. We're looking for that one  
20 right now.

21 THE WITNESS: This is the one  
22 here?

23 MS. BALTZELL: (Nods head up  
24 and down.)

25 A. And your question was if it was

1 C. HARDING

2 put into the marketplace?

3 Q. That was my question, yes.

4 A. Yes.

5 Q. Okay. And am I correct that  
6 this version of the manual also does not  
7 contain any information about the use or  
8 maintenance of the test tank that we've  
9 been talking about?

10 A. That is correct.

11 Q. Thank you. Okay. And the  
12 third version was the one that you were  
13 questioned about by plaintiff's counsel,  
14 which is the one that starts at 0001. And  
15 is there any other distinct -- are there  
16 any distinctions between these three  
17 manuals that speak to the use of the test  
18 tank in any way, shape, or form?

19 A. There is not.

20 Q. Okay. Thank you. In these --  
21 the training classes that we talked about  
22 earlier, those are provided to  
23 distributors, correct?

24 A. Correct.

25 Q. And they were not provided to

1 C. HARDING

2 consumers or end users of your product; is  
3 that correct?

4 A. That is correct.

5 Q. Besides -- were the  
6 distributors given any type of materials to  
7 distribute to the consumers to whom they  
8 were selling that pertained to the test  
9 tanks that we've been talking about?

10 A. No.

11 Q. Do you know for this particular  
12 tank -- and I'm not sure if this is within  
13 your area of expertise, so tell me if it is  
14 not. Do you know to which distributor this  
15 particular tank was sold?

16 A. I do not.

17 Q. Do you know into which  
18 jurisdiction it was sold? We've been  
19 talking about the jurisdiction of  
20 authorities. Do you know where it went?

21 A. I do not.

22 Q. You spoke earlier about the  
23 fact that -- and I believe you used the  
24 language "do not support balloon testing."  
25 I just want to clarify what you mean by "do

1 C. HARDING

2 not support."

3 Is it correct that that's not  
4 really a reference to you morally or  
5 ethically supporting something; that's just  
6 technical support is not provided for  
7 balloon testing; is that correct?

8 A. I was referring to technical  
9 support, that is correct.

10 Q. Okay. And therefore, once a  
11 test tank goes out the door, so to speak,  
12 into the marketplace, is it accurate to  
13 state that there is no technical support  
14 provided for it by the company?

15 A. That is correct.

16 Q. Do you in your role have any  
17 interaction with consumers or end users of  
18 the product?

19 A. I do receive phone calls from  
20 end users about our products. Occasionally  
21 I do, yes.

22 Q. Okay. Are you familiar at all  
23 with Oprandy's Fire & Equipment?

24 A. Only referring to this case.

25 Q. Give me one moment.

1 C. HARDING

2 MR. FROMSON: Do you want five  
3 minutes? We're going to get done  
4 with this deposition quite early  
5 today.

6 MS. FAPPIANO: It's going to go  
7 quickly; I just want to make sure  
8 that I've covered what I need to.  
9 Give me one second. I'm just going  
10 to switch to a different document.  
11 That's all.

12 Q. Okay. We talked about earlier  
13 that there is on the price list, and I just  
14 want to get onto the record that that's the  
15 -- it starts at Bates Number 1371, a  
16 listing for the tank -- the test tank as a  
17 component part. Is that correct?

18 A. That is correct.

19 Q. Okay. And the date on this  
20 price list is July 24th, 2000. Is that  
21 correct?

22 A. That is correct.

23 Q. Are there any price lists for  
24 prior to 2000 that you're aware of that  
25 you've been able to find?

1 C. HARDING

2 A. I wasn't able to find any prior  
3 to 2000.

4 Q. Do you know if this is -- do  
5 you know if -- if this is the first price  
6 list that was published, for lack of a  
7 better word, for the Kitchen Knight  
8 suppression system?

9 A. It may be. I'm -- I'm not 100  
10 percent.

11 Q. Okay. What would be the  
12 purpose of including the test tank as a  
13 component on this price list?

14 A. The price lists are offered to  
15 our distributors to purchase all of the  
16 components that we offer.

17 Q. And why would a distributor  
18 need to purchase a test tank such that it  
19 would be listed on this sheet?

20 A. Because the authority having  
21 jurisdiction is requesting it.

22 Q. And when you refer to the  
23 authority having jurisdiction, that can be  
24 things like fire departments; is that -- is  
25 that accurate?

1 C. HARDING

2 A. Yes, could be a fire  
3 department, could be an insurance carrier.

4 Q. Excuse me. I cut you off. I  
5 apologize. I'll let you finish that  
6 answer.

7 A. I said could be fire  
8 department, it could be an insurance  
9 carrier, whoever is in authority in that  
10 area.

11 Q. Okay. Might that include  
12 building inspectors?

13 A. I would think so.

14 Q. And fire inspectors?

15 A. Yes.

16 Q. Okay. And so it's -- was the  
17 defendant, prior to 2016, aware that  
18 distributors were selling the component  
19 test tank to these authorities that you  
20 just described?

21 MS. BALTZELL: Objection.

22 Foundation.

23 A. What I would believe is the  
24 distributors would purchase the test tanks  
25 and then they would own them, and they

1 C. HARDING

2 would not be resold to anybody else.

3 Q. Why would the distributors need  
4 to own the test tank then? For what  
5 purpose?

6 A. They are used as a tool. It's  
7 something that they could reuse.

8 Q. For what reason?

9 A. For the --

10 Q. You would --

11 A. For the puff test or balloon  
12 test that we had discussed earlier.

13 Q. Okay.

14 MR. FROMSON: That was known in  
15 2016?

16 Q. And that was known in 2016  
17 before this accident occurred; is that  
18 correct?

19 A. Yes.

20 Q. Okay. You testified earlier,  
21 and forgive me for paraphrasing, that you  
22 did not know why Tyco, the defendant, did  
23 not put out information pertaining to the  
24 test tank; is that correct?

25 A. Correct.

1 C. HARDING

2 Q. Should they have put out  
3 information pertaining to the test tank?

4 MS. BALTZELL: Objection to the  
5 form.

6 A. That wouldn't be for me to  
7 decide. That would be upper management's  
8 decision.

9 Q. That would be a decision that  
10 would be made by the defendant; is that  
11 correct?

12 A. Correct.

13 MS. BALTZELL: I have nothing  
14 further.

15 MR. FROMSON: I have just a  
16 short line of questioning.

17 EXAMINATION BY

18 MR. FROMSON:

19 Q. I'd ask you to take a look at  
20 the technical manual for the 240, which I  
21 believe started at 1557, but I'm going to  
22 reference your specific attention to Pages  
23 1603 and 1604, which are part of the  
24 Chapter V for System Maintenance. So let  
25 me know when you get there.

1 C. HARDING

2 A. What page was that?

3 Q. It's Bate -- I apologize if I  
4 got the number wrong. The bottom right  
5 corner in small print, it says 1603.

6 A. I don't think I have the right  
7 one, do I?

8 Q. And it's the November 1st, 1994  
9 version.

10 MS. BALTZELL: We've got a few  
11 copies of manuals running around, so  
12 let me try to --

13 MR. FROMSON: I'll tell you  
14 what.

15 MS. BALTZELL: Because his is  
16 -- his is different.

17 Q. If you can -- if -- I've given  
18 you an example now. If you can find  
19 Chapter V, System Maintenance, of a 240  
20 manual, let me know, you tell me the Bates  
21 number that you have, and we'll go from  
22 there.

23 MS. BALTZELL: There you go.

24 Do that.

25 A. Okay. I have System

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2 Maintenance, Page 59 and Page 60 on the  
3 bottom right corner.

4 Q. So do you see -- is there a  
5 section -- a subsection for piping and  
6 nozzles?

7 A. Yes.

8 Q. And within that subsection of  
9 piping and nozzles, does it essentially  
10 state in sum and substance that as part of  
11 the maintenance process, piping should be  
12 flushed with warm water and blown out with  
13 air or nitrogen?

14 A. Yes.

15 Q. And so before 2016, was that at  
16 least part of the maintenance instructions  
17 provided by Defendant as it pertained to  
18 the Kitchen Knight fire suppression system?

19 A. Yes.

20 Q. With what component, if any, of  
21 the fire suppression system, back in 2016,  
22 was an individual to flush the piping with  
23 warm water and then blow it out with air or  
24 nitrogen, if any?

25 A. That would be followed by

1 C. HARDING

2 maintenance after a system discharge.

3 Q. I understand the context --

4 A. Okay.

5 Q. -- in terms of when it would be  
6 done. My question is with what component,  
7 if any, of a fire suppression system  
8 offered by Kitchen Knight would an  
9 individual flush the piping with either or  
10 both warm water and then blow it out with  
11 air or nitrogen?

12 A. That I don't know.

13 Q. Would it -- would it be a test  
14 tank that would be utilized in terms of  
15 doing a balloon test or a puff test to blow  
16 out air from the test tank through the  
17 piping?

18 A. It is possible, yes.

19 Q. Was this something that was  
20 possible or known to -- to Defendant before  
21 2016, that individuals were taking part in  
22 the maintenance of the suppression system  
23 such as blowing out the piping with air or  
24 nitrogen in the context of the piping and  
25 nozzles within the technical manual that

1 C. HARDING

2 we're discussing?

3 A. It may have been known, yes.

4 MR. FROMSON: That was my line  
5 of questioning. Thank you so much.

6 THE WITNESS: Thank you.

7 MR. FROMSON: Anything else?

8 MS. FAPPIANO: I don't have  
9 anything else.

10 MR. FROMSON: We are done.

11 Thank you so much for your time, sir.

12 THE WITNESS: Thank you.

13 THE VIDEOGRAPHER: This is the  
14 end of the deposition of Curt Harding  
15 on September 12th, 2019. We're off  
16 the record at 11:04 a.m.

17 MR. FROMSON: So I'll take an  
18 E-Tran again and I'll get back to you  
19 on ordering the video. Okay?

20 THE COURT REPORTER: Okay.

21 Thank you. Tara, you're ordering as  
22 well, the second one?

23 MS. FAPPIANO: Yes. Thank you.

24 MS. BALTZELL: Same. And we'll  
25 read and sign.

1 C. HARDING

2 (Whereupon, at 11:04 A.M., the  
3 Examination of this witness was  
4 concluded.)

5

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1 C. HARDING

2 D E C L A R A T I O N

3

4 I hereby certify that having been  
5 first duly sworn to testify to the truth, I  
6 gave the above testimony.

7

8 I FURTHER CERTIFY that the foregoing  
9 transcript is a true and correct transcript  
10 of the testimony given by me at the time  
11 and place specified hereinbefore.

12

13

14

15 

---

 CURTIS N. HARDING

16

17

18 Subscribed and sworn to before me  
19 this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

20

21

22 

---

 NOTARY PUBLIC

23

24

25

1 C. HARDING  
2 E X H I B I T S  
3

4 EXHIBIT EXHIBIT PAGE  
5 NUMBER DESCRIPTION  
6 (None)

7  
8 I N D E X  
9

10 EXAMINATION BY PAGE  
11 MR. FROMSON 6, 55  
12 MS. FAPPIANO 44

13  
14

15 INFORMATION AND/OR DOCUMENTS REQUESTED  
16 INFORMATION AND/OR DOCUMENTS PAGE  
17 (None)

18  
19  
20 QUESTIONS MARKED FOR RULINGS  
21 PAGE LINE QUESTION  
22 (None)

23  
24  
25

1 C. HARDING

2 C E R T I F I C A T E

3

4 STATE OF WISCONSIN )  
5 COUNTY OF BROWN ) : SS.:  
6 )

7

8 I, CARRIE S. BOHRER, a Notary Public  
9 hereby certify:

10 That the witness whose examination is  
11 hereinbefore set forth was duly sworn and  
12 that such examination is a true record of  
13 the testimony given by that witness.

14 I further certify that I am not  
15 related to any of the parties to this  
16 action by blood or by marriage and that I  
17 am in no way interested in the outcome of  
18 this matter.

19 IN WITNESS WHEREOF, I have hereunto  
20 set my hand this 18th day of September  
21 2019.

22

23

*Carrie Bohrer*

24

25 \_\_\_\_\_ CARRIE S. BOHRER

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